

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

June 5, 2013

The North Ogden Planning Commission convened in a regular meeting on June 5, 2013 at 6:30 pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on May 31, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Larry Residori	Chairman
Joan Brown	Commissioner
Dee Russell	Commissioner
Eric Thomas	Commissioner

STAFF:

Craig Barker	Community Development Director
Jon Call	City Attorney
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder

EXCUSED:

Allan Dalpiaz	Vice-Chairman
Blake Knight	Commissioner
Steve Quinney	Commissioner

VISITORS:

Gary Rands	John Reeve	Jeryl Marler
Molly Rands	Judy White	LeAnn Carreola
Scott Hancock	Harold White	Chris Cave
Shelley Hancock	Karen Marler	Sky Rands

REGULAR MEETING

Chairman Residori called the regular meeting to order at 6:30 pm. Commissioner Thomas offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CONSIDERATION AND/OR ACTION TO APPROVE THE MAY 15, 2013 PLANNING COMMISSION MEETING MINUTES.

Commissioner Brown made a motion to approve the May 15, 2013 Planning Commission meeting minutes. Commissioner Thomas seconded the motion.

Voting on the motion:

Chairman Residori	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Thomas	yes

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no visitors present wishing to make public comments.

2. PUBLIC HEARING AND CONSIDERATION TO RECOMMEND AN AMENDMENT TO ORDINANCE 11-4, VARIANCES AND ADMINISTRATIVE INTERPRETATIONS.

A memo from City Manager Ron Chandler explained he recently met with Judge Lambert to discuss the administrative law duties. At issue were the length of time it may take to hear variances due to the Judges busy docket and some potential conflicts that were brought up by the Board of Justice Court Judges. We have been studying the use of an administrative hearing officer in place of an administrative law judge. An administrative hearing officer is someone who is appointed by the City to hear cases such as variances. They operate the same as the administrative law judge but don't have to be judges. We anticipate that this person will have a legal background and have land use experience. The proposed ordinance gives the proposed changes to the zoning ordinance that will allow the City to hire an administrative hearing officer.

Community Development Director Craig Barker reviewed Mr. Chandler's memo and explained the City previously had a Board of Zoning Adjustment that handled appeals, but that body was eliminated in favor of allowing the Justice Court Judge to handle appeals filed with the City because the belief was that the Judge's experience and education made him better suited to handle appeals as opposed to a body of citizens with no training or experience in planning. He explained there was a ruling that Justice Court Judges cannot act as administrative court judges

and so the City has elected to provide for a hearing officer. He explained the proposed changes included in the ordinance were recommended by City Attorney Call.

Commissioner Brown inquired as to the required qualifications of the hearing officer. Mr. Call explained the successful appointee will be required to be familiar with municipal law and land use laws; it will most likely be an attorney who may be a city attorney with another entity and the position will be a paid position. Mr. Barker stated that is common practice in other entities and he thinks this is a move in the right direction. He noted the Planning Commission is required to hold a public hearing regarding this matter before making a recommendation to the City Council. He noted he has not received any input from any member of the public since advertising the public hearing.

Chairman Residori convened the public hearing at 6:38 p.m.

There being no persons appearing to be heard, Chairman Residori closed the public hearing at 6:38 p.m.

Chairman Residori noted he was a member of the Board of Zoning Adjustments and he understands it is very difficult to secure a variance to a City ordinance. He added he is in favor of this change because it does not make sense to assemble a board of citizens charged with waiting for these types of appeals to be filed.

Commissioner Thomas made a motion to recommend an amendment to ordinance 11-4 relative to variances and administrative interpretations. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Residori	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Thomas	yes

The motion passed unanimously.

3. CONSIDERATION TO APPROVE THE REVISION OF MYSTERY MEADOWS PHASING PLAN AND THE ADDITION OF SEVEN LOTS.

A memo from Community Development Director Craig Barker explained the developer of this subdivision has requested that the phasing of the subdivision be changed. Phase I will be the old Phase II, Phase II will be the old Phase III, and Phase III will be the old Phase I. This is at the request of the buyer of this development from Mr. Barrett. The developer also desires to add single family lots along the east to 150 East Street. These have previously been part of Phase IV as duplex or zero lot line homes sharing a common wall. Staff has no issues with the additional lots on the east side of 150 East. The alignment of 1700 North is a slight deviation from the historic street map of the City where it was shown as proceeding straight west from Washington

Boulevard to intersect with the alignment of 150 East as it goes south. He stated he does not see any serious issues with this. By turning it to the north, it will align with the street in Mystery Meadows.

Mr. Barker reviewed his staff memo and added that it is also important for the Planning Commission to know that the Army Corps of Engineers (ACOE) has approved the proposed wetland boundaries for the wetlands included on the plat for this development; that will clear the way for recording the subdivision once all items are resolved.

Chairman Residori asked if there are any concerns regarding the alignment of 1700 North. Mr. Barker answered no, but noted there was discussion at one point in time regarding whether 1700 North should continue straight west until it intersected with 150 East. He stated if that were to happen 1700 North would dead-end at property owned by the Weber School District. He noted this alignment allows 1700 North to swing and connect to an existing street so that it can continue through the Mystery Meadows Subdivision. He added this alignment is recommended by the City Engineer.

Chairman Residori stated that he has one question; between lot 49 and 1700 North there is a gap and he asked what the gap is. Chris Cave, Reeve and Associates, highlighted the zoning line between the commercial property and the residential R-1-8 property. He stated that the applicant added an additional lot rather than leaving a hole between the two land uses. He stated it is a big lot and that there are actually eight new lots rather than seven.

Commissioner Russell made a motion to approve the revision of the Mystery Meadows phasing plan and the addition of eight lots. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Residori	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Thomas	yes

The motion passed unanimously.

4. CONSIDERATION TO APPROVE A CONDITIONAL USE PERMIT TO BUILD AN ADDITION TO AN EXISTING ROOFING BUSINESS BUILDING FOR GARY RAND, LOCATED AT APPROXIMATELY 111 E. PLEASANT VIEW DRIVE.

A staff memo from Community Development Director Craig Barker explained many years ago, the City allowed a former owner of property, located at 111 East Pleasant View Drive, to operate a home occupation from a newly constructed building. The business operated at this site has changed over the years. Mr. Rands' business has been licensed in the City since 1996. The history of this property and businesses are not detailed in any City records that have been found. Staff spoke with the previous City building inspector to obtain rather sketchy history for this property. Mr. Rands desires to enlarge his existing building with a 75 feet by 50 feet building

which is 3,750 square feet. The existing building appears to be close to 7,000 square feet. Mr. Rands operates a roofing business at this location. The property is in a residential subdivision; this particular lot being slightly larger than one acre. There is a single family home on this property as well. It can also be seen that there are recreational vehicles on the lot belonging to Mr. Rands, there is a semi-trailer belonging to Mr. Rands as well as other trailers associated with the roofing business as well as other personal property. It appears that no development standards such as parking improvements, storm water drainage, or others were ever required for this site. The Zoning Ordinance Chapter 15, Nonconforming Buildings and Uses, allows for the expansion of a nonconforming building is allowed by Paragraph A and the expansion of a nonconforming use is allowed by Paragraph B. The Planning Commission's action is to consider the Conditional Use Permit as outlined in Chapter 14 of the zoning ordinance. This chapter gives some specific guidelines for Conditional Uses. Some may not apply to this site. Mr. Barker said he believed the Planning Commission needs to establish some reasonable conditions for this site, keeping in mind the limited history and lack of previous requirements.

Mr. Barker reviewed his staff memo and provided a brief history of the business located at the subject property. He reviewed the site plan and aerial photograph of the property to orient the Planning Commission to the property. He added he did receive three phone calls from residents objecting to this application.

Commissioner Russell asked if the driveways entering the property are rights of way or if they could be cut off. Mr. Barker reviewed the plat and stated there is no right-of-way shown. City Attorney Jon Call added there is a recreational easement held by all lot owners in the subdivision and they use it to access their barns on the backs of their lots. Mr. Barker stated that is correct and highlighted the trail area in the subdivision. Commissioner Russell asked if there are gates that prevent anyone from going back to that area. Mr. Barker answered no and noted the recreational easement does not transect the canal property.

Commissioner Thomas noted Mr. Barker recommended the Planning Commission establish conditions for the site and he asked Mr. Barker if he could recommend any conditions. Mr. Barker stated the Planning Commission needs to think the conditions through and he referenced another CUP the Planning Commission approved that was very controversial due to the conditions imposed by the Planning Commission and City Council. He stated some of those conditions have found to be immeasurable and he asked the Planning Commission to think of the consequences they wish to impose and ensure that staff can enforce the conditions.

Commissioner Thomas asked what conditions would be imposed on an applicant for a normal home occupation. Mr. Barker referenced a machine shop home occupation on Fish Farm Road and he noted there was no opposition to the business; the business was to be located in an old building on the property and he did not recall any conditions being imposed on that business. Commissioner Brown stated that was a "mom and pop" business and there were no employees frequenting the site. Mr. Barker stated that is correct. He then added the afore mentioned CUP for an auto repair shop was approved subject to a number of conditions recommended by the Planning Commission and City Council; the conditions related to noise, smells, and fumes and they are basically related to the operation of that certain type of business. He stated he is not

sure that those same conditions would apply to a roofing business and Mr. Rands can answer questions about the types of activities that will take place on the subject property.

Commissioner Thomas referenced the sod farm located to the southwest of the subject property and asked if that property is in the RE-20 zone as well. Mr. Barker answered yes.

Commissioner Thomas asked if there have been any conditions placed on that property to accommodate that type of business in the RE-20 zone. Mr. Barker stated he is not aware of any conditions on that business, though it received approval prior to his employment with the City.

Mr. Barker stated that this item is not a public hearing, but there are some residents present that wish to comment regarding the CUP application.

Mr. Call noted that when considering a CUP application the Planning Commission should listen for comments regarding the detrimental effects that will be caused by the conditional use. He stated the Planning Commission can then determine if there are any conditions that can be imposed to mitigate those negative effects.

Judy White, 2674 N. 200 E., stated the subject property is across the street and four homes down from her house. She stated she has several concerns about the application; first is that there is already a huge building on the property. She stated the business is a roofing business and she does not think it is necessary for the owner to store large amounts of materials for the business so she does not know what is being stored in the existing building. She added the back of the property is an eyesore and there are a lot of vehicles stored on it; it does not fit in with the rest of the properties in the area that are all at least one acre in size lending a rural feel to the neighborhood. She stated the neighborhood is already faced with the construction of the City's public works building one-half block away and she is hopeful it will not be an eyesore as the existing building is. She stated her main concern is the fact that the applicant has not done anything with the building they currently have as far as storing things; one of the photographs of the property shows how many vehicles are stored on the property. She stated many people have a boat or trailer stored on their property, but there are multiple things stored on the subject property. She stated she is one of the new residents in the area; she moved to North Ogden two years ago from a small community in Cache Valley and one of the reasons she bought the property was for the small town, rural feel. She stated she does not want a big commercial building in her neighborhood and she does not want to see the building added onto. She stated she does not want the situation to become any worse than it already is. She referenced the aerial photographs including the other homes on 200 East and noted the other properties are not kept in the same manner as the subject property. She stated there is a lot of pasture ground and some cattle in the area and she reiterated her main concern is that the subject property is an eyesore on the corner of the neighborhood that everyone can see as they travel by. She stated the property does not have the same rural feel as the rest of the properties.

Commissioner Russell asked Ms. White if the big building was already located on the property when she moved there. Ms. White answered yes. Commissioner Russell asked her if she could see the building from her house. Ms. White answered yes; she reiterated she lives across the street and four houses from the subject property and added there were not as many vehicles and other items stored on the property when she first moved there, but the owner has continued to

accrue items on his property. She stated there is a semi-truck on the property and she understands it was given to the owner as a form of payment of debt.

Commissioner Thomas asked if the property is an eyesore on the street of her subdivision or to motorists travelling on Pleasant View Drive. Ms. White stated motorists driving either direction on Pleasant View Drive can see the property; it is not landscaped and all of the items stored on the property, as well as the building, are visible. She stated she does not mean to denigrate anyone, but, in her opinion, the property is much different than the rest of the properties surrounding it.

Chairman Residori stated that he drove by the property today and the property can be seen more clearly travelling east on Pleasant View Drive; it is down in a hole somewhat.

Leanne Carreola, 2682 N. 200 E., stated she lives in the third house down on the east side of the street and she has lived in the neighborhood longer than anyone; she moved there 41 years ago and the area was farm and pasture land for horses and everyone owned, at one point of another, horses or other livestock. She stated it is an adorable community, which is why it is called The Ranchettes. She stated that just looking at the picture of the subject property makes her stomach turn. She stated she loves the Rands family; they are one of the best families on the street, but looking at the picture makes her stomach roll because of the debris and the carelessness of the building. She stated that if she were considering employing a business and she looked at the business from this perspective she would not choose to employ this business. She stated that it has no business being located in The Ranchettes and she does not know how it was approved in the first place. She stated she has had other residents on the street apply for a business permit and get denied approval and even flag lots are no longer allowed in the area even though the lots are big enough to accommodate a cute, small second home. She stated the property really is an eyesore and it is the first thing people see as they drive into North Ogden, which she feels is a travesty. She stated North Ogden is her home and it has been a beautiful community. She stated her family moved here from Bountiful, which is absolutely lovely, and the only thing that attracted them to North Ogden was the beauty of the community and this property detracts from it. She stated her comments are not personal and she truly feels that the business does not belong there. She stated that if one drove down the street they would see how well taken care of the other homes are and this business does not fit; it is like a square peg in a round hole.

Commissioner Brown stated that it appears there is no paperwork or documentation regarding the business and she asked Ms. Carreola what the subject property was used for when she first moved to the street. Ms. Carreola stated that it was a hay field and pasture ground; the first owners of the property had a couple of little kids and they kept it in pristine condition. She stated that from the face of the street, the property is in great condition most of the time. She stated it is not in great condition now, but that is due to a landscaping issue. She stated the building is so big that it can be seen from between the homes and it is really out of place in the neighborhood.

Chairman Residori asked Ms. Carreola if she has any idea when the building was constructed. Ms. Carreola answered no. She stated the other residents on the street have nice, big barns and

they all expected a similar outbuilding to be constructed on the subject property. She stated that is why The Ranchettes was developed; it was not developed for businesses.

Commissioner Brown asked if the area was pristine prior to the subject property being purchased by the Rands' and she asked if the business had brought the problems to the neighborhood. Ms. Carreola answered yes; she added that she does not know who works for Rands, but little children ride their bikes on the access road near the property and the trucks barrel in and out. She stated that is a real danger; there have already been a couple of kids killed in the area relative to another situation and the residents do not want anything like happening again. She stated that would be the absolute worst case scenario.

Commissioner Russell stated there is a sod farm located close to the subject property and there are a couple of large outbuildings on that property. Ms. Carreola stated there are no outbuildings on the sod farm; it is across 2700 North. Commissioner Russell stated there are some outbuildings associated with the sod farm located on Pleasant View Drive. Ms. Carreola stated they are not large and ugly; instead they are very well manicured and kept. A short discussion centered on the types of outbuildings associated with the sod farm.

Scott Hancock, 2671 N. 200 E., stated he lives three houses down from the Rands. He stated the entryway on the left side of the building was created by the two owners previous to the Rands. He added that when he moved to the neighborhood in 1992 the property only housed the main building with one driveway; there was still pastureland and a pond on the south side of the building. He stated the owner at that time sold it in 1996 or 1997. He stated the two owners previous to the Rands both owned construction companies, but they parked their vehicles inside the main structure. He stated the prior owner applied road base to the area on the south side of the building and it has continued to the south and the property has basically been converted to a commercial property. He stated his problem is that he thinks the residents will be faced with commercial taxes, though they are living in a residential area. He stated he did not move into the neighborhood to be in a commercial area. He added that when the wind blows the other neighbors deal with garbage that blows from the subject property onto other properties. He stated that the garbage truck that comes to empty the dumpster at the property comes at 5:30 a.m. and it is very loud. He stated the residents are basically living on a commercial property. He added that other CUPs that are not recorded should not be legal. He stated he talked with Mr. Barker who told him that if he applied for a CUP for something like this on his property he would be denied. He stated that if that is the case he does not know why others are allowed to continue their CUP. He stated he thinks it is necessary to stop the commercializing of the property; it is decreasing the property values of the other properties in the neighborhood.

Chairman Residori asked Mr. Hancock if he lives on the same side of the street as the subject property. Mr. Hancock answered yes. Chairman Residori stated that it looks like the second house down on the same side of the street also has trailers stored on the back of the property. Mr. Hancock stated that is correct and he has contacted the City to make complaints about that property as well.

Shelly Hancock, 2671 N. 200 E., stated there are five residents here tonight that represent the neighborhood and that live right near the subject property. She stated it has been said that the

commercial area has started small and continues to grow larger and larger. She stated the residents have always referred to the back road as a bridle path and there are children that ride their bikes and horses on the path and she has used the entrance several times with her horse trailer and has nearly been hit several times by people coming in and out of the back of the subject property. She stated she does not think they realize the lane is used by all the homeowners that live there. She added another issue she has is that the applicant, Gary Rands, does not live on the property; he is renting it to his son and he is not a resident. She stated that just south of the property the trailers stored there belong to the owners of the second house in. She stated she has talked to the people that are storing semi-trailers on the property and they also do not live in the subdivision; he lives in the subdivision east of her neighborhood. She stated she confronted him about cleaning his property and he cleaned a good portion of it, but he has no intention of removing the semi-trailers from the property. She stated that she has a direct view of the subject property and the other nuisance property from her back yard; it is a mess and she has witnessed it expanding further and further to the south.

Melissa Evans, 2679 N. 200 E., stated she lives in the third house down and she has a lot of concerns because she is the immediate neighbor of the subject property; she purchased her home in 2002 and at that time the original structure was much smaller and there was not much outside storage and storage of vehicles and equipment. She stated she is frustrated because the purchase of her home is one of the biggest financial investments she will make in her lifetime and she is concerned that an individual's decision has taken away her right to live in a residential area; she purchased her property because it was a beautiful piece of residential property, but he can see the nuisances on the other properties from anywhere in her home or on her property. She stated she has tried to build fences and plant bushes in accordance with City ordinances, but she can only build a fence a certain height and the property slopes down so her fence is not tall enough to block her view of the property. She stated her husband owns a business in the City and in order to operate that business it is located in a business area and they pay commercial taxes for the property. She stated she also pays taxes for her residential property and she is concerned that what the area originally appeared to be has changed a lot and she is concerned about her personal financial investment and the ability to enjoy the property that she has invested in. She stated that when she is sitting in the backyard of her residential property she would like to see a residential area and not a commercial area. She stated it was hard for her to come to this meeting because her husband did not want her to attend because he does not want to get involved in other people's problems. She stated she dearly loves the individuals that own the subject property and their kids play with her kids every day; this is not a personal issue, but she has a right to live in her home and enjoy her investment as much as they have a right to make a living. She stated they should choose to make a living in an area zoned for that purpose. She stated she cannot explain how the building on the property grew larger since she has lived in the neighborhood and no one ever asked her opinion regarding the enlargement of the building, but at this point her opinion is that what is already there is there and she cannot do anything about that. She stated she personally does not want to see the building expanded because she wants the area to be a residential area, which is what she invested in. She stated if the Rands need a large space, there is a lot of land that has been zoned for commercial use and they can build a large structure and parking lot to be used for their business. She stated she would like her home to be a residence and right now her view is extremely ugly and unattractive; it is not all on the Rands property – the other neighbor, Ms. Latham, is renting out the back of her property to an individual that is parking semi-trailers

and other garbage. She stated she does not want anyone to think she is implying that all the problems are associated with the Rands' property; part of it is Mr. Rands and part of it is someone else's. She stated she does not want to look at it any longer.

Commissioner Russell stated Ms. Evans made the comment that the building has gotten larger since she has lived there. Ms. Evans stated that is correct; when she purchased her home in 2002 the building was not the size it is today; the home and accessory building were owned by the previous owner and her husband tried to buy it and she put a stop to it because she did not want her kids playing in the canal. She stated they made the decision to buy the house two doors down. She added the individual that was running his business at the home when she purchased her house had no other things parked on the property; he owned one track hoe that was parked on the property, but the building itself was much smaller and he did not have employees coming to the property for work. She reiterated that she was not informed of the owner's intent to enlarge the building so she does not know exactly when that occurred.

Commissioner Thomas asked Mr. Barker to address the concerns raised about the fact that items are being stored on the subject property and the adjacent property by people that do not actually live there. Mr. Barker explained the City recently received a complaint regarding the property south of the subject property and that complaint is being handled by the Building Official. He stated the storage of the trailers is prohibited by City ordinance unless it has been deemed a conforming use. Commissioner Thomas cited a hypothetical situation of Chairman Residori allowing him to store his trailer on his property without a rental or lease agreement and he asked if that would be permitted by City ordinance. Mr. Barker stated that is an interesting question and the City ordinance is not really clear about that kind of situation and he has been working with the Administration to try to clarify it. He stated that his personal opinion is that a property owner should be able to allow someone to store something on their property, though he does not believe a property should be allowed to be used as a personal family parking lot.

Commissioner Brown stated that Mr. Rands came before the Planning Commission in recent years and the issue surrounding the trailers stored on the property was discussed at that time as well. She stated she feels the City has "kicked this can down the road" long enough and it is time to address the issue. Mr. Barker stated that the Planning Commission can direct staff to add an item to a future agenda to discuss the City ordinance regarding the storage of trailers, etc.

Commissioner Thomas asked if the business is considered a home occupation. Mr. Barker answered yes and stated that the City and very few other cities allow the use of outbuildings or garages for home based businesses with a CUP. He stated he searched for documentation regarding a CUP for the business and he could not find one for the property. He stated the last building permit on record for the site was issued in 1992 for a 3,700 square foot building. He stated he does not know how the building got to grow to over 6,000 square feet because he cannot find any records documenting that growth. He stated that does not mean there was no building permit issued, but he cannot find evidence of the building permit being issued. Commissioner Brown suggested the person that applied for the building permit should also have evidence of it.

Commissioner Thomas asked if there is any problem with the fact that home occupation is not being run by the people that live on the subject property. Mr. Barker stated that is also not allowed; the City's home occupation ordinance states that the occupation must take place on the property owned by the applicant and that only people living in the dwelling can be employed by the home business. He stated he researched back to 1999 to see what the City Code said at that time and he found that it did not allow for the use of an outbuilding for a home business; all operations were required to take place in the home and only people living in the home could work for the business. He stated that in 2002 the City Code was changed to allow a CUP for the use of a garage or accessory building for a home occupation. He stated that is how the City Code still reads today.

Commissioner Russell asked for clarification regarding the statement that the home occupation must be operated by the owner of the property. Mr. Barker clarified that the City would grant a home occupation to a renter that lived in a home.

Gary Rands, 2941 N. 1050 E., first addressed the photograph that was referenced by several of the neighbors and stated it is very old and he explained what items have been removed and what remaining items actually belong to him. He stated the City approached him regarding recreational vehicle parking and he "jumped through hoops" in response. He stated he was turned in to the City because someone down the street from him was turned in so they reported his property as well. He stated he has poured 100 yards of concrete to comply with City ordinances and make his property nicer. He stated he is trying to make it nicer and more beautiful. He then referenced the structure and stated the reason he wants it to be larger is so that he can park everything he has inside the building, including his snow plows, his trucks, and trailers so they are not stored outside and visible to the other residents. He stated he has received no help at all from the canal company to take care of the road, so it is a blight and people feel the blight is his fault. He noted any resident will be able to stand in their front yard and see the structure he desires to build; there is no way they will be able to see around the existing building and see the new structure. He explained one of the reasons he wants to build the structure is to prevent theft and vandalism of his equipment. He noted gas prices are very high and people have stolen gas from his vehicles and equipment. He then stated he cannot control speeding and traffic and he highlighted the entrance that his employees use to access his property, pointing out they do not use the back entrance. He stated not all people speeding through the neighborhood are related to his business and the worst noise anyone hears in the neighborhood is the garbage truck that comes to pick up his garbage. He stated he can see if they will change the time that they come to the neighborhood for his garbage. He reiterated he wants to be able to park all of his equipment inside a building and that will really clean the property up. He stated he also wants to protect his investment, similar to the way the City wants to build the Public Works facility to protect their investment. He stated he has trucks that are only used for plowing snow and it would be nice to store them inside during the summer months to protect them from the weather. He reiterated the photo of his property is not a recent photo; it is likely five or six years old.

Chairman Residori stated that he drove by the property today and there may be different vehicles stored on the property, but it appears to be in the same condition as it was in when the photograph was taken. Mr. Rands stated many of the trailers are not stored on the property any

longer. Chairman Residori stated there are piles of wood stacked on the property and there are some boats stored there as well. Mr. Rands stated there are no boats on his property and all of the outside storage Chairman Residori is referencing is located on his neighbor's property. He highlighted his property line and noted that he does have a semi-trailer stored on his property that was given to him by a contractor that owed him \$35,000. He stated the semi is not road worthy and he would be glad to trade it for the \$35,000 he was owed. He then explained that people looking at his property from Pleasant View Drive will only see more roof line because motorists on that road are only able to see the top two feet of the existing building. He reiterated the building will not be visible from the yards of any of his neighbors or the other residents in his neighborhood. He stated that when he purchased the property he came to the City and explained that he owns a roofing business and wanted to know if he would be allowed to operate his business from his home if he purchased the property and the answer he received was yes.

Chairman Residori asked Mr. Rands if he had the consent from the City in writing. Mr. Rands answered no. Chairman Residori stated City employees have been instructed to not provide that type of approval or direction verbally, but instead to do so in writing. Mr. Rands continued by explaining that his building is not ugly; it is a metal building and he does not think it is ugly. He stated the sod farm located near his property also has access across the canal.

Chairman Residori asked Mr. Rands what he has stored in the building now. Mr. Rands stated the main part of the structure is his roofing company; he has his office in the building and he parks his trucks in the runways. He stated on the other side he has miscellaneous personal items stored. He stated that when he added the addition to the building he received approval from the City. He stated he would not build a 40 foot by 75 foot structure without first going to the City; it is not his fault if the City has no record of it.

Commissioner Brown asked Mr. Rands if he has a copy of the documentation indicating he received approval from the City. Mr. Rands stated he would need to check his records, but he doubts he has a copy because there is no requirement to keep records for that long. Commissioner Brown stated that if she built a permanent structure on her ground she would try to keep a copy of the approval documentation. She stated she was personally in a situation where she had a fence on her property and she was required to move the fence and change her landscaping and sprinkler system because she only had her word against someone else's word. Mr. Rands stated it sad that things have come to this when it was possible to get things done with a handshake in the past. Commissioner Brown agreed. Mr. Rands stated that when he first came to the City he was told he could operate his business from his home and he did not think he needed to get that documented in writing. He added the building does have a physical address; it was acquired by Kelly Bingham and it is addressed 111 East Pleasant View Drive. He stated he has done everything the City has asked him to do; he received a legal non-conforming use permit. Mr. Barker stated he does not know that he received official approval of the permit. Mr. Rands stated that he went through the process as explained to him by Mr. Barker and he received a letter from Mr. Barker regarding the permit.

Commissioner Brown asked Mr. Rands what time his employees come on to the property to start their work day. Mr. Rands stated they come to his home at 6:00 a.m. and get into a work vehicle and leave.

Commissioner Thomas asked if the CUP being requested is for the existing building or if it is strictly for the expansion of the building. Mr. Barker stated it is for the expansion of the building. Commissioner Thomas stated that if that is the case the Planning Commission should only be discussing with Mr. Rands the conditions the Commission should put in place to allow an expansion, which is allowed in the City's ordinance, to a legal non-conforming building and what conditions can be agreed upon to satisfy the City. He stated they should not be discussing conditions on the building as it currently exists.

Mr. Rands stated the driveways that provide access to his property have not changed since he purchased the property. He stated someone raised the issue that he built up Latham's yard, but they asked for that to be done and he does not see a problem with that since there is nothing planted on the ground. He added people drive on the canal road all the time and he asked them what they are doing and they tell him they are just driving through the area; he believes they are "scoping" the area for theft.

Chairman Residori redirected the discussion and stated Mr. Rands is asking for the expansion of a non-conforming building and he stated Chapter 14 of the land use code is very clear in the statement that "the expansion of a non-conforming building is subject to all other requirements necessary for the issuance of a CUP. If such an extension, alternation, or expansion promotes the general health, safety, or aesthetics of the City and such extension, alteration, or expansion is made to conform to all the regulations of the zone in which the building is located". He stated accessory buildings in the RE-20 zone cannot cover more than 25 percent of the rear yard area or 50 percent minimum vegetative area of the yard. He added the height of the building can only be 25 feet. Mr. Rands stated his building is only 16 feet tall. Chairman Residori reiterated the building must conform to all other requirements of the zone. Mr. Barker stated there is no way the current building takes up more than 25 percent of the rear yard because the subject property is over an acre in size. Mr. Rands agreed and stated the total property size is nearly two acres.

Commissioner Thomas stated that according to the requirements read by Chairman Residori, the building could be 20,000 square feet. Mr. Rands stated the building will only be 10,000 square feet in size. Commissioner Thomas stated his opinion is that there is not much the Planning Commission can do to address what has happened in the past, but it is appropriate to consider the request to add to the building based on the requirements and stipulations of the City Code. He asked Mr. Rands if his building will comply with the requirements that Chairman Residori cited and he noted the biggest requirement is to maintain 50 percent of the property in vegetation.

Chairman Residori noted there is also a section regarding the storage of motorhomes and other vehicles and it states such vehicles must be non-commercial if located in any residential zoning district. He stated that would mean that anything that is commercial in nature cannot be stored on the property. Commissioner Thomas stated that requirement is superseded by the cloudy past in that there is a CUP and home occupation license; Mr. Rands has been allowed to use the property for commercial purposes. Chairman Residori agreed, but stated he feels those approvals apply strictly to the building. He reiterated he drove by the property today and he agrees it is an eyesore. He stated he would not like to live in the neighborhood and have to see the property on a regular basis. He added that includes the house located on the front of the property, which looks terrible. Mr. Rands stated that he is trying to finish the remodel of the

house and clean the yard and it is a work in progress. Chairman Residori stated all the other houses and yards located in the neighborhood look very neat and well taken care of and it is not hard to understand why the neighbors are upset about the state of Mr. Rands' property. He stated even the cement pad looks ugly because there is a lot of stuff stacked there. He stated it looks like a used car lot and he wonders how a property owner could let that happen in a residential neighborhood. Mr. Rands stated he knows the property is an eyesore and he has been trying to work on it, but the neighbor's house is an eyesore as well.

Chairman Residori stated he feels the Planning Commission will need additional time to consider the application and review the regulations included in the City Code. He stated the building addition will need to comply with the requirements of the zone.

Mr. Barker stated he is not sure the building is a non-conforming building. Chairman Residori asked Mr. Barker how he would define the building; it is a building that is located in the wrong place or zone. Mr. Barker stated that in a residential zone, the main use that is allowed on a property is a dwelling; other buildings are accessory buildings and there are location requirements regarding those types of buildings. He stated that at the time the building was built it was very minimal; the property housed a residential building and an accessory building and they were allowed to be three feet from the property line. He stated the regulations regarding accessory buildings were eventually changed as a result of the appearance of some large accessory buildings that were being built in the City and he provided a brief history and explanation of those changes.

Commissioner Brown stated she does not feel the concerns raised this evening are related to setback requirements for accessory buildings. Mr. Barker stated he is simply trying to qualify whether Mr. Rands' building is a legal non-conforming building, but it is a non-conforming use because such use has never been allowed in a residential zone. He stated the question is how the Planning Commission can allow a non-conforming use to expand and he explained that is done via a CUP and that is what the Planning Commission needs to address.

Commissioner Brown asked for clarification regarding whether the person owning the business must live on the property. Mr. Barker stated the City's home occupation ordinance does say that the business owner must live on the property. He stated there is no record of approval of Mr. Rands' home occupation; there was no requirement for the Planning Commission to consider the application since approval of a home occupation can be granted at the staff level, but the accessory building would have required approval of the Planning Commission and he also has no record that ever occurred.

Chairman Residori asked if Mr. Rands' will be required to meet all other requirements of the zone if the Planning Commission approves this application. Mr. Barker stated he believes the Planning Commission needs to consider those issues and determine the standards they are going to impose on Mr. Rands. He reiterated there is no record the City ever approved the building or home occupation for the previous owner and there were no standards imposed on the previous owner. He stated the property has changed hands three different times.

Commissioner Brown inquired as to what types of businesses were operated from the property prior to Mr. Rands owning it. Mr. Barker stated they were both excavation contractors; they had some equipment and a 3,700 square foot building was built on the site in 1992. He stated there was a building on the site prior to 1992, but he has no record of it being built. Commissioner Brown stated she feels the Planning Commission needs to be very cautious because they have considered other applications for buildings too close to the property line; she does not want to set a precedent or a “trap” for the Planning Commission. Mr. Barker stated that is why he provided information to the Planning Commission about the property adjacent to the subject property that is owned by the canal company; nothing else will ever be built on that property and at some time in the future the canal will likely be piped and closed in. He stated he believes the canal company actually owns a 40 foot wide strip of property there and there is an easement on both sides of the strip.

Chairman Residori stated he agrees with the feeling that the Planning Commission needs to be careful. He referenced another home occupation that has been contentious because the Planning Commission imposed conditions, but the neighbors do not feel the conditions are sufficient years after approval was granted. He stated the owner of the home is meeting all the conditions, but the neighborhood is completely torn apart by the business. He stated that Mr. Rands does not even live on the subject property so he does not have to deal with the condition of the property and he may or may not address the Planning Commissions and the neighbors’ concerns regarding its appearance. Mr. Rands stated he does not live there, but he does care about the property and he has paid people to come to his property and dig weeds out. He stated there are weeds on everyone’s property. Chairman Residori stated he is not as concerned about the weeds and he asked Mr. Rands if he has paid anyone to remove the trailers and other debris from the property. Mr. Rands stated he has had some trailers moved. Chairman Residori stated there are still trailers on the property. Mr. Rands stated there used to be more trailers on the property. He added that the addition to the accessory building will allow him to store everything inside the building. He stated all of his trucks and most of his trailers will be moved indoors.

A short discussion centered on the condition of other properties on the street and the fact that the cleanup of those properties had been forced, with Commissioner Thomas stating that part of the proposal is to build the addition to the structure to provide for additional inside storage and he wondered what types of items can be stored outside after the structure is built. He asked if it is possible to impose a condition to the effect that if there is a building of a certain size on the property, the owner will not be allowed to park more than 10 vehicles or pieces of equipment outside. He stated he believes Mr. Rands cares for the property based on the fact that he is willing to invest more money into it. Mr. Rands stated he would be willing to install a fence between his property and the adjoining property and the owners of that property would not need to look into his property at all. Commissioner Thomas stated that this is the Planning Commission’s opportunity to decide upon the conditions that will be associated with the CUP and there may be some conditions that will satisfy multiple parties. He added one thing the neighbors need to understand is that there are hundreds of non-conforming buildings in the City and the City is trying to prevent that same thing from occurring in the future, but the only way to address the mistakes that have occurred in the past is to classify the buildings as legal, non-conforming buildings. He stated the City will not make people relocate sheds or accessory buildings that have been built illegally on their property because the City Council did not want to

address the issue in that manner. He stated the approach will be to move forward and do the right thing in the future. He reiterated this is an opportunity for the Planning Commission to consider conditions that could be associated with the CUP. He stated some possible conditions could be requiring the installation of a fence or something to limit access to the area. Mr. Rands stated it would be very hard to limit access without installing a gate and he is not willing to pay the expense to install a gate that will be used by everyone living down the street from him. He then noted that there is not an excessive amount of traffic associated with his business; his workers come once in the morning to pick up their vehicles and equipment and they return in the evening to drop the vehicle off. Commissioner Thomas stated he has driven by the subject property many times and it is in an area that is lower than the road itself; one has to purposely look at the property to notice some of the things that have been mentioned. Chairman Residori stated that may be true for those driving on Pleasant View Drive, but it is not the case when viewing the property from 200 East. Commissioner Thomas admitted he did not drive along 200 East to see how it looks from that street or from the other yards.

Chairman Residori reiterated the Planning Commission can work to determine some conditions to be imposed on the property if the CUP is granted.

Mr. Rands stated that he would offer another scenario for the Planning Commission to consider. He stated he has a problem with crab grass on his property and if he is allowed to build the addition to the building he will remove a tree on the property and install a mow strip to keep all of the garbage and the crab grass from the canal from coming into his property. He stated he does not want to do that additional work until he can proceed with the construction of the building. He stated that he has poured money into the property and it is not a dump; he owns 15 other properties in North Ogden and he is a landlord, not a slumlord. Chairman Residori stated the back part of the subject property looks pretty bad and the Planning Commission needs to consider conditions that can be imposed on the property.

Commissioner Brown stated she is not comfortable determining conditions tonight; she would like for the Commission to discuss the issue further. Chairman Residori agreed. Mr. Rands stated that if he did not care what his property looks like he would not have spent hours in his neighbor's yard cutting their weeds down. Commissioner Brown stated she has not said anything derogatory about Mr. Rands' property, but she personally does not feel ready to address the issue tonight.

Commissioner Thomas asked Mr. Rands if there are a couple of things he could propose as conditions for the Planning Commission to consider. Mr. Rands stated that if he builds the addition to the building he will have a limited number of items stored outside; most of those items will be trailers and everything else will be stored inside.

Commissioner Brown asked Mr. Rands why he cannot get the semi-trailer off his property if it is not in working condition. Mr. Rands stated it is a possibility to move the trailer. Commissioner Thomas stated that could be a possible condition. He added that Mr. Rands mentioned the possibility of installing a fence and he asked if it is realistic to believe Mr. Rands would entertain that idea. Mr. Rands stated he would consider such a condition, but it would be very expensive to install 200 feet of chain link fence. Chairman Residori stated that the fence could not be chain

link. He then stated the Planning Commission will work to determine some conditions for the CUP and if Mr. Rands wishes to construct the addition he will need to meet those requirements. Mr. Rands stated that he would only ask that the conditions be realistic. Chairman Residori stated that there are requirements in the City Code related to the types of items that can be stored on a residential property. Mr. Barker noted that some of those requirements do not apply to a non-conforming use and he referenced the definition of a non-conforming use, which was followed by a short discussion centered on Mr. Barker's explanation.

Commissioner Brown stated she would like to schedule a work meeting prior to a future business meeting to discuss the issue and Mr. Rands application. Commissioner Thomas stated that he would like to allow the owner to participate in the discussion and work to assemble a list of potential conditions that both parties can agree upon. He stated he feels the objective is to clean the property and address the concerns of the property owner and the other residents on the street.

Mr. Rands stated he is trying to address the biggest concern about the property and that is its current condition; he is putting a lot of money into the property to try to make it better. Chairman Residori stated Mr. Rands' original statement was that he wanted to build the addition to address theft problems. Mr. Rands stated that he also wants to clean the property.

A short discussion centered on some things that could be done in the meantime to address the concerns of some of Mr. Rands' neighbors as well as the timeline for scheduling a meeting to address the issue. The conclusion was to schedule a work session meeting for June 12, 2013 at 5:30 p.m.

LeAnn Carreola asked for clarification. She stated this is a building that never had a permit to be built in the first place. Mr. Barker stated he does not think that statement can be made in certainty. Ms. Carreola stated there are no records of the permit. Mr. Barker stated that is correct. Ms. Carreola stated no one can provide proof that the construction of the building was approved. She added that there was also an addition to the building and there are no records regarding that project as well. She stated on top of those things the Planning Commission is considering allowing the building to be added to in a residential area. She stated she does not understand the situation. She stated she understands that Mr. Rands wants to park things inside the building, but she pointed out the size of the original building and she wondered why he is not already parking things in his building. She stated the addition to the building will not hold everything that is currently being stored outside and she asked that the Planning Commission keep that in mind; this may not resolve the conformance issues and she cannot believe that the smaller addition will not hold all of the things currently being stored outside. Chairman Residori stated the Planning Commission will hold a work meeting to discuss those details. Ms. Carreola then stated she would like to see a fence installed; that would make her very happy and it needs to be a barrier fence made of material that would prevent people from seeing into the property if the City is going to permit him to use it as a business. Commissioner Thomas stated the Planning Commission is not deciding whether to let Mr. Rands use the property for his business; instead they are deciding whether to allow him to expand his building. He stated regardless of the Planning Commission's decision, Mr. Rands can continue to operate as a business at his property. Ms. Carreola asked if that is the case even if the use is inconsistent with the residential zone. Commissioner Thomas answered yes and explained this issue is regarding the expansion

of a building and not whether the applicant can continue to operate as a business. He stated the Planning Commission is dealing with an opportunity to move forward in a correct manner. Commissioner Russell agreed and noted the Planning Commission cannot change the past. Ms. Carreola stated that may be the case, but she asked if it is appropriate to add to the mistakes of the past. She stated that if Mr. Rands does care about the community that his neighbors live in, he would have cleaned the property a long time ago. She stated he may clean up some things, but he only brings additional items to the property to add to it and she does not think the City should award him or allow for more when what he has is not being used properly. She stated that if he cleans the property that will be great, but she would like to see a gate at the entrance as well as a fence along the property and that would go a long way to assuage a lot of the concerns of the neighbors.

Commissioner Thomas stated the Planning Commission is not technically the body that would make the decision regarding whether this is a legal, non-conforming use; it is a fact based legal decision that would be made by a court of law.

Commissioner Brown stated Mr. Rands indicated the building would accommodate the storage of 90 percent of the items currently being stored outside. She asked him to work to assemble some data to explain what items he currently has and the amount of space that will be available in the building so that she and the rest of the Commissioners can understand that he really could store 90 percent of the items in the new structure. Mr. Rands stated he will prepare that information.

Commissioner Thomas also asked Mr. Rands to provide the Planning Commission with a proposal regarding the number of exterior storage stalls he would like to be permitted to have on the property. Mr. Rands stated he does not want to say that he needs two parking spaces and then on occasion he may have three vehicles parked outside and one of his neighbors could turn him in to the City. Commissioner Thomas stated that the number of parking spaces would give the City something to gauge against in the future. He stated Mr. Rands may say that he needs five spaces and the Planning Commission may approve 10 spaces. He stated he is simply requesting that Mr. Rands provides a list of wants and needs for the property.

Commissioner Russell asked how many employees park their cars on the property on a daily basis in comparison to vehicles or equipment that are stored on the property at all times. Mr. Rands stated he will provide that information as well.

Chairman Residori reiterated the Planning Commission will meet in a work session next Wednesday to further discuss the issue.

The Planning Commission took a break at 8:27 p.m.

The meeting reconvened at 8:34 p.m.

5. DISCUSSION AND/OR ACTION ON THE MIXED-USE ZONE.

A memo from Community Development Director Craig Barker explained the staff has prepared a draft of a Mixed-Use Zone chapter for addition to the City's Zoning Ordinance. This type of zone allows for a variety of different uses in the same zoning district. It has been applied to a mixed commercial, office and residential projects as well as office, and light industrial areas. The proposal in our City focuses on the retail, office and residential uses. The process requires a project master plan and development agreement, both of which are created from a submittal from a developer to the City and involves the Planning Commission and the City Council to arrive at a negotiated Final Development Plan and Development Agreement. The usual standards for commercial areas, residential areas, and any other type of mix is generally waived and determined by the City's goals for a particular site and the developer's interests merging to create the Final Development Plan.

Mr. Barker reviewed his staff memo and noted that John Reeve and Chris Cave from Reeve Engineering are present this evening to participate in this discussion as they represent a property owner that desires to develop his property for mixed-use. He then began review of the draft ordinance page by page.

Commissioner Brown asked if the language in the ordinance has been taken from a similar ordinance in another city or entity. She stated her concern is that she does not want to see a row of residential units all the way down Washington Boulevard. She stated she does not necessarily feel that a 20 foot landscaping strip is necessary, but she would like to see setbacks because that makes this type of development softer and more attractive. Mr. Barker stated the Planning Commission can require that.

Commissioner Russell referenced The Junction mixed-use development in Ogden and stated there are no landscaped areas there. Commissioner Brown stated North Ogden is more rural and she would like to have that taken into consideration in this type of development.

Chairman Residori stated he did not believe the residential units would be facing Washington Boulevard; rather they would be located further west into the development. Commissioner Brown stated she does not want a mixed-use development to look like the area of The Junction that faces Washington Boulevard in Ogden. Mr. Barker stated he did not think that would happen in North Ogden because the City requires a variety of facades in buildings of a certain height. He noted the Planning Commission will review the master plan for a development and can express their dislike of a development for any given reason. He stated a minimum setback can be required if that is what the Planning Commission desires. Commissioner Brown stated she did not feel that the setback needed to be uniform throughout a project, but she would like to see variation to the frontages of the buildings so that it is more aesthetically attractive. She stated that will provide a more rural feel. Commissioner Thomas pointed out a mixed-use development is intended for higher density uses. Commissioner Brown stated that she did not feel the high density uses will come to North Ogden. Commissioner Thomas stated the Planning Commission needs to consider the purpose of a mixed use zone. Commissioner Brown stated mixed-use can still be attractive. Commissioner Thomas stated that if the Planning Commission desires spacing in a development there is no need to create a mixed-use zone.

Chairman Residori stated North Ogden's population is projected to double by 2040. Mr. Barker stated that the Wasatch Front Regional Council (WFRC) projects the City's population to be 35,000 by 2040, which is double the current population. He noted the WFRC is considering several different growth patterns to determine what the population will be and he feels the projects are very reasonable. He stated the Planning Commission will be charged with determining how the City should look as it continues to develop and he reminded them that they will be working on an update of the General Plan in the near future. He then referenced design criteria for other residential zones in the City and he continued his review of the draft ordinance for a mixed-use zone.

Commissioner Brown stated that there is a mixed-use development in Syracuse that has not been developed in a fashion that is favorable to the tenants located there; they have very little street exposure and the businesses are failing. She stated she does not like a vision similar to the one that was used in that development because she views it as negative. She stated she would rather see easy access and walkability in this type of development. Commissioner Thomas stated the Syracuse development is not a true mixed-use development because it is all commercial. Commissioner Brown stated that is correct, but it borders a very affluent residential area and, yet, it is failing because it is not thriving. Mr. Barker stated it sounds to him like the Syracuse development is not the same concept that is included in the mixed-use zone ordinance. Commissioner Brown stated it does not include the residential aspect, but it does include all other aspects of mixed-use development.

John Reeve, Reeve and Associates, stated he has been looking at other mixed-use developments like Gateway in Salt Lake City and Station Park in Farmington. Mr. Barker asked if Station Park is transit oriented, to which Mr. Reeve answered yes and he explained their goal is to pull traffic off Interstate 15 and into the project. He then referenced other mixed-use developments in other areas and noted that most of them are setback far enough to allow for parallel parking along the street. He stated that allows for easy access for people wanting to access a store from the street, but most of the parking is in the back. He stated this is what he would propose in North Ogden and he would provide an entry to a plaza in the inner part of the development; the plaza would include landscaping with parking around it. He stated Commissioner Brown's idea of having varied storefronts is a good one. He recommended the Planning Commission consider some of the various mixed-use developments throughout the area and he noted the ones that are successful have a mixture of uses, a mixture of facades and opportunities for people to access parking that will allow them to stop quickly and pick something up from one of the stores. He stated a good example of this recommendation is The Junction in Ogden; they have parallel parking on the street side of the development with additional parking and covered parking throughout. Mr. Barker noted there is also angle parking at that development.

Commissioner Brown stated she feels mixed-use developments have their place. Mr. Reeve agreed and stated that the mixed use development should be quantified for the area that it will be located in. Commissioner Brown stated she grew up in Orange County, California and she referenced a couple of areas that have very attractive mixed-use developments and beautification of areas will draw people to them. Mr. Reeve agreed and stated the ordinance needs some flexibility to provide for that and to allow the City to deem which projects will fit in the community and which will not. A general discussion about some facets of the ordinance then

ensued with Mr. Barker noting the ordinance not only requires a master development plan, but a development agreement that can be negotiated between the City and the developer. Mr. Reeve pointed out some requirements in the ordinance that seem too strict to him and he reiterated that flexibility in this type of ordinance is key.

Chairman Residori stated that the owner of the property upon which the Mystery Meadows development will potentially be located provided a couple of proposals for Phase IV of the development and it never came close to a mixed-use development. He stated it is hard for him to visualize a good mixed-use development and he likes the idea of a developer providing an actual sketch of what they would like to develop. Mr. Barker provided some scenarios for providing a sketch plan for development of that phase based on the zoning of the property and adjoining phases. Chairman Residori stated that photographs of similar mixed-use developments and a sketch of the proposed layout of the phase would be very helpful.

Chris Cave, Reeve and Associates, asked the Planning Commission if they like the look of The Junction or Gateway and if that is what they would like to see in this development. Commissioner Brown stated she likes the look of the mixed-use development in Sugarhouse; they have incorporated landscaping and a rural feel though the development includes several massive buildings. Chairman Residori stated he has not seen that development, but the concept sounds good.

The Planning Commission decided to conclude the discussion and continue review of the ordinance at the next regularly scheduled meeting.

6. PUBLIC COMMENTS.

There were no additional public comments.

7. PLANNING COMMISSION/STAFF COMMENTS.

Commissioner Brown stated she visited the gas station at the Smith's grocery store and she stated they are now selling plants, fertilizer, drinks, food, and toilet paper. She stated customers would not even need to go into the main store. She stated that when the station was built the City told them they could not do that. Mr. Barker explained the restrictions that Smith's agreed to were made with the developer, designer, and engineers of the projects and no representative of Smith's was involved in that discussion and they did not agree to those restrictions. He stated the City has learned a lesson as a result of that situation.

Chairman Residori stated one of the thoughts he has about mixed-use is if people will buy the stores that are located there. Commissioner Brown stated that she had a highly successful store; she founded Pretzelmaker and the first store she built was located in the old yogurt store in the Layton Mall. She stated people told her that she would never be successful because she was just selling one product, but by the time she sold the business it had branched out internationally.

She stated people will locate their business at a development if it is developed in a manner that attracts people.

Commissioner Thomas asked if there will be one landlord that will rent spaces to tenants or if it will be a condominium type of development where people can actually purchase their own commercial space. A short discussion centered on how leasing or ownership could potentially be handled at a mixed-use development in the City.

8. ADJOURNMENT.

Commissioner Brown made a motion to adjourn the meeting. Commissioner Thomas seconded the motion.

Voting on the motion:

Chairman Residori	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Thomas	yes

The motion passed unanimously.

The meeting adjourned at 9:19 p.m.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved